



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1359

Introduced 2/18/2009, by Rep. Angelo Saviano - Dan Reitz -
Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

See Index

Amends the Orthotics, Prosthetics, and Pedorthics Practice Act. Makes changes in Sections concerning the powers and duties of the Department, the Board, qualifications for licensure, the renewal or restoration of a license, the grounds for discipline, and the appointment of a hearing officer. In a Section concerning exceptions, provides that the Act shall not be construed to prohibit a licensed advanced practice nurse from engaging in his or her profession (now, physical therapist or occupational therapist). In a Section concerning the limitations on the provision of care and services, provides that a licensed orthotist, prosthetist, or pedorthist may provide care or services if the care or services are provided pursuant to an order from an advanced practice nurse (now, a licensed physician or podiatrist). Creates new Sections concerning returned checks and fines, subpoenas, unlicensed practice and civil penalties. Defines the terms "address of record", "off-the-shelf device", and "Secretary". Repeals Sections concerning the transition period and enforcement. Repeals a Section concerning elective inactive status and reinserts its contents into a Section concerning the renewal or restoration of a license. Makes other changes. Effective immediately.

LRB096 08529 ASK 18650 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Orthotics, Prosthetics, and Pedorthics
5 Practice Act is amended by changing Sections 10, 15, 20, 25,
6 40, 57, 60, 70, 80, 85, 90, 100, 105, 130, 150, and 160 and by
7 adding Sections 77, 103, and 107 as follows:

8 (225 ILCS 84/10)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 10. Definitions. As used in this Act:

11 "Address of record" means the designated address recorded
12 by the Department in the applicant's or licensee's application
13 file or license file maintained by the Department's licensure
14 maintenance unit. It is the duty of the applicant or licensee
15 to inform the Department of any change of address, and such
16 changes must be made either through the Department's website or
17 by directly contacting the Department.

18 "Assistant" means a person who assists an orthotist,
19 prosthetist, or prosthetist/orthotist with patient care
20 services and fabrication of orthoses or prostheses under the
21 supervision of a licensed orthotist or prosthetist.

22 "Board" means the Board of Orthotics, Prosthetics, and
23 Pedorthics.

1 "Custom" means that an orthosis, prosthesis, or pedorthic
2 device is designed, fabricated, and aligned specifically for
3 one person in accordance with sound biomechanical principles.

4 "Custom fitted" means that a prefabricated orthosis,
5 prosthesis, or pedorthic device is modified and aligned
6 specifically for one person in accordance with sound
7 biomechanical principles.

8 "Department" means the Department of Financial and
9 Professional Regulation.

10 "Secretary" ~~"Director"~~ means the Director of Financial and
11 Professional Regulation.

12 "Facility" means the business location where orthotic,
13 prosthetic, or pedorthic care is provided and, in the case of
14 an orthotic/prosthetic facility, has the appropriate clinical
15 and laboratory space and equipment to provide comprehensive
16 orthotic or prosthetic care and, in the case of a pedorthic
17 facility, has the appropriate clinical space and equipment to
18 provide pedorthic care. Licensed orthotists, prosthetists, and
19 pedorthists must be available to either provide care or
20 supervise the provision of care by registered staff.

21 "Licensed orthotist" means a person licensed under this Act
22 to practice orthotics and who represents himself or herself to
23 the public by title or description of services that includes
24 the term "orthotic", "orthotist", "brace", or a similar title
25 or description of services.

26 "Licensed pedorthist" means a person licensed under this

1 Act to practice pedorthics and who represents himself or
2 herself to the public by the title or description of services
3 that include the term "pedorthic", "pedorthist", or a similar
4 title or description of services.

5 "Licensed physician" means a person licensed under the
6 Medical Practice Act of 1987.

7 "Licensed podiatrist" means a person licensed under the
8 Podiatric Medical Practice Act of 1987.

9 "Licensed prosthetist" means a person licensed under this
10 Act to practice prosthetics and who represents himself or
11 herself to the public by title or description of services that
12 includes the term "prosthetic", "prosthetist", "artificial
13 limb", or a similar title or description of services.

14 "Off-the-shelf device" means a prefabricated orthosis,
15 prosthesis, or pedorthic device that is sized or modified for
16 use by the patient in accordance with a prescription and does
17 not require substantial clinical judgment or substantive
18 alteration for appropriate use.

19 "Orthosis" means a custom-fabricated or custom-fitted
20 brace or support designed to provide for alignment, correction,
21 or prevention of neuromuscular or musculoskeletal dysfunction,
22 disease, injury, or deformity. "Orthosis" does not include
23 fabric or elastic supports, corsets, arch supports,
24 low-temperature plastic splints, trusses, elastic hoses,
25 canes, crutches, soft cervical collars, dental appliances, or
26 other similar devices carried in stock and sold as

1 "over-the-counter" items by a drug store, department store,
2 corset shop, or surgical supply facility.

3 "Orthotic and Prosthetic Education Program" means a course
4 of instruction accredited by the Commission on Accreditation of
5 Allied Health Education Programs, consisting of (i) a basic
6 curriculum of college level instruction in math, physics,
7 biology, chemistry, and psychology and (ii) a specific
8 curriculum in orthotic or prosthetic courses, including: (A)
9 lectures covering pertinent anatomy, biomechanics,
10 pathomechanics, prosthetic-orthotic components and materials,
11 training and functional capabilities, prosthetic or orthotic
12 performance evaluation, prescription considerations, etiology
13 of amputations and disease processes necessitating prosthetic
14 or orthotic use, and medical management; (B) subject matter
15 related to pediatric and geriatric problems; (C) instruction in
16 acute care techniques, such as immediate and early
17 post-surgical prosthetics and fracture bracing techniques; and
18 (D) lectures, demonstrations, and laboratory experiences
19 related to the entire process of measuring, casting, fitting,
20 fabricating, aligning, and completing prostheses or orthoses.

21 "Orthotic and prosthetic scope of practice" means a list of
22 tasks, with relative weight given to such factors as
23 importance, criticality, and frequency, based on
24 internationally accepted standards of orthotic and prosthetic
25 care as outlined by the International Society of Prosthetics
26 and Orthotics' professional profile for Category I and Category

1 III orthotic and prosthetic personnel.

2 "Orthotics" means the science and practice of evaluating,
3 measuring, designing, fabricating, assembling, fitting,
4 adjusting, or servicing an orthosis under an order from a
5 licensed physician or podiatrist for the correction or
6 alleviation of neuromuscular or musculoskeletal dysfunction,
7 disease, injury, or deformity.

8 "Orthotist" means a person who measures, designs,
9 fabricates, fits, or services orthoses and assists in the
10 formulation of the order of orthoses as ordered by a licensed
11 physician for the support or correction of disabilities caused
12 by neuro-musculoskeletal diseases, injuries, or deformities.

13 "Over-the-counter" means a prefabricated, mass-produced
14 device that is prepackaged and requires no professional advice
15 or judgement in either size selection or use, including fabric
16 or elastic supports, corsets, generic arch supports, elastic
17 hoses.

18 "Pedorthic device" means therapeutic footwear, foot
19 orthoses for use at the ankle or below, and modified footwear
20 made for therapeutic purposes. "Pedorthic device" does not
21 include non-therapeutic accommodative inlays or
22 non-therapeutic accommodative footwear, regardless of method
23 of manufacture, shoe modifications made for non-therapeutic
24 purposes, unmodified, over-the-counter shoes, or prefabricated
25 foot care products.

26 "Pedorthic education program" means a course of

1 instruction accredited by the Board for Certification in
2 Pedorthics consisting of (i) a basic curriculum of instruction
3 in foot-related pathology of diseases, anatomy, and
4 biomechanics and (ii) a specific curriculum in pedorthic
5 courses, including lectures covering shoes, foot orthoses, and
6 shoe modifications, pedorthic components and materials,
7 training and functional capabilities, pedorthic performance
8 evaluation, prescription considerations, etiology of disease
9 processes necessitating use of pedorthic devices, medical
10 management, subject matter related to pediatric and geriatric
11 problems, and lectures, demonstrations, and laboratory
12 experiences related to the entire process of measuring and
13 casting, fitting, fabricating, aligning, and completing
14 pedorthic devices.

15 "Pedorthic scope of practice" means a list of tasks with
16 relative weight given to such factors as importance,
17 criticality, and frequency based on nationally accepted
18 standards of pedorthic care as outlined by the Board for
19 Certification in Pedorthics' comprehensive analysis with an
20 empirical validation study of the profession performed by an
21 independent testing company.

22 "Pedorthics" means the science and practice of evaluating,
23 measuring, designing, fabricating, assembling, fitting,
24 adjusting, or servicing a pedorthic device under an order from
25 a licensed physician or podiatrist for the correction or
26 alleviation of neuromuscular or musculoskeletal dysfunction,

1 disease, injury, or deformity.

2 "Pedorthist" means a person who measures, designs,
3 fabricates, fits, or services pedorthic devices and assists in
4 the formulation of the order of pedorthic devices as ordered by
5 a licensed physician for the support or correction of
6 disabilities caused by neuro-musculoskeletal diseases,
7 injuries, or deformities.

8 "Person" means a natural person.

9 "Prosthesis" means an artificial medical device that is not
10 surgically implanted and that is used to replace a missing
11 limb, appendage, or any other external human body part
12 including an artificial limb, hand, or foot. "Prosthesis" does
13 not include artificial eyes, ears, fingers, or toes, dental
14 appliances, cosmetic devices such as artificial breasts,
15 eyelashes, or wigs, or other devices that do not have a
16 significant impact on the musculoskeletal functions of the
17 body.

18 "Prosthetics" means the science and practice of
19 evaluating, measuring, designing, fabricating, assembling,
20 fitting, adjusting, or servicing a prosthesis under an order
21 from a licensed physician.

22 "Prosthetist" means a person who measures, designs,
23 fabricates, fits, or services prostheses and assists in the
24 formulation of the order of prostheses as ordered by a licensed
25 physician for the replacement of external parts of the human
26 body lost due to amputation or congenital deformities or

1 absences.

2 "Prosthetist/orthotist" means a person who practices both
3 disciplines of prosthetics and orthotics and who represents
4 himself or herself to the public by title or by description of
5 services.

6 "Resident" means a person who has completed an education
7 program in either orthotics or prosthetics and is continuing
8 his or her clinical education in a residency accredited by the
9 National Commission on Orthotic and Prosthetic Education.

10 "Secretary" means the Secretary of Financial and
11 Professional Regulation.

12 "Technician" means a person who assists an orthotist,
13 prosthetist, prosthetist/orthotist, or pedorthist with
14 fabrication of orthoses, prostheses, or pedorthic devices but
15 does not provide direct patient care.

16 (Source: P.A. 91-590, eff. 1-1-00.)

17 (225 ILCS 84/15)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 15. Exceptions. This Act shall not be construed to
20 prohibit:

21 (1) a physician licensed in this State from engaging in the
22 practice for which he or she is licensed;

23 (2) a person licensed in this State under any other Act
24 from engaging in the practice for which he or she is licensed;

25 (3) the practice of orthotics, prosthetics, or pedorthics

1 by a person who is employed by the federal government or any
2 bureau, division, or agency of the federal government while in
3 the discharge of the employee's official duties;

4 (4) the practice of orthotics, prosthetics, or pedorthics
5 by (i) a student enrolled in a school of orthotics,
6 prosthetics, or pedorthics, (ii) a resident continuing his or
7 her clinical education in a residency accredited by the
8 National Commission on Orthotic and Prosthetic Education, or
9 (iii) a student in a qualified work experience program or
10 internship in pedorthics;

11 (5) the practice of orthotics, prosthetics, or pedorthics
12 by one who is an orthotist, prosthetist, or pedorthist licensed
13 under the laws of another state or territory of the United
14 States or another country and has applied in writing to the
15 Department, in a form and substance satisfactory to the
16 Department, for a license as orthotist, prosthetist, or
17 pedorthist and who is qualified to receive the license under
18 Section 40 until (i) the expiration of 6 months after the
19 filing of the written application, (ii) the withdrawal of the
20 application, or (iii) the denial of the application by the
21 Department;

22 (6) a person licensed by this State as a physical
23 therapist, ~~or~~ occupational therapist, or advanced practice
24 nurse from engaging in his or her profession; or

25 (7) a physician licensed under the Podiatric Medical
26 Practice Act of 1997 from engaging in his or her profession.

1 (Source: P.A. 91-590, eff. 1-1-00.)

2 (225 ILCS 84/20)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 20. Powers and duties of the Department.

5 (a) The Department shall exercise the powers and duties
6 prescribed by the Civil Administrative Code of Illinois for the
7 administration of licensure Acts and shall exercise other
8 powers and duties necessary for effectuating the purposes of
9 this Act.

10 (b) The Department may adopt rules to administer and
11 enforce this Act including, but not limited to, fees for
12 original licensure and renewal and restoration of licenses and
13 may prescribe forms to be issued to implement its rules. The
14 Department shall exercise the powers and duties prescribed by
15 this Act. At a minimum, the rules adopted by the Department
16 shall include standards and criteria for licensure and for
17 professional conduct and discipline. The Department shall
18 consult with the Board in adopting rules. Notice of proposed
19 rulemaking shall be transmitted to the Board, and the
20 Department shall review the Board's response and inform the
21 Board of any deviations ~~any recommendations made in writing~~
22 ~~with proper explanation of deviations from the Board's~~
23 ~~recommendations and response.~~

24 (c) The Department at any time may seek the expert advice
25 and knowledge of the Board on any matter relating to the

1 enforcement of this Act.

2 ~~(d) Department may adopt rules as necessary to establish~~
3 ~~eligibility for facility registration and standards.~~

4 (Source: P.A. 91-590, eff. 1-1-00.)

5 (225 ILCS 84/25)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 25. Board of Orthotics, Prosthetics, and Pedorthics.

8 (a) There is established a Board of Orthotics, Prosthetics,
9 and Pedorthics, which shall consist of 6 voting members to be
10 appointed by the Director. Three members shall be practicing
11 licensed orthotists, licensed prosthetists, or licensed
12 pedorthists. These members may be licensed in more than one
13 discipline and their appointments must equally represent all 3
14 disciplines. One member shall be a member of the public who is
15 a consumer of orthotic, prosthetic, or pedorthic professional
16 services. One member shall be a public member who is not
17 licensed under this Act or a consumer of services licensed
18 under this Act. One member shall be a licensed physician.

19 (b) Each member of the Board shall serve a term of 3 years,
20 except that of the initial appointments to the Board, 2 members
21 shall be appointed for one year, 2 members shall be appointed
22 for 2 years, and 2 members shall be appointed for 3 years. Each
23 member shall hold office and execute his or her Board
24 responsibilities until the qualification and appointment of
25 his or her successor. No member of the Board shall serve more

1 than 8 consecutive years or 2 full terms, whichever is greater.

2 (c) Members of the Board may ~~shall~~ receive as compensation
3 a reasonable sum as determined by the Director for each day
4 actually engaged in the duties of the office and shall be
5 reimbursed for reasonable expenses incurred in performing the
6 duties of the office.

7 (d) The majority of the Board shall constitute a quorum. A
8 vacancy in the membership of the Board shall not impair the
9 right of a quorum to exercise all of the duties of the Board ~~A~~
10 ~~quorum of the Board shall consist of a majority of Board~~
11 ~~members currently appointed.~~

12 (e) The Director may terminate the appointment of any
13 member for cause which, in the opinion of the Director
14 reasonably justifies termination, which may include, but is not
15 limited to, a Board member who does not attend 2 consecutive
16 meetings.

17 (f) Membership of the Board should reasonably reflect
18 representation from the geographic areas in this State.

19 (Source: P.A. 91-590, eff. 1-1-00.)

20 (225 ILCS 84/40)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 40. Qualifications for licensure as orthotist,
23 prosthetist, or pedorthist.

24 (a) To qualify for a license to practice orthotics or
25 prosthetics, a person shall:

1 (1) possess a baccalaureate degree from a college or
2 university;

3 (2) have completed the amount of formal training,
4 including, but not limited to, any hours of classroom
5 education and clinical practice established and approved
6 by the Department;

7 (3) complete a clinical residency in the professional
8 area for which a license is sought in accordance with
9 standards, guidelines, or procedures for residencies
10 inside or outside this State established and approved by
11 the Department. The majority of training must be devoted to
12 services performed under the supervision of a licensed
13 practitioner of orthotics or prosthetics or a person
14 certified as a Certified Orthotist (CO), Certified
15 Prosthetist (CP), or Certified Prosthetist Orthotist (CPO)
16 whose certification was obtained before the effective date
17 of this Act;

18 (4) pass all ~~written, practical, and oral~~ examinations
19 that are required and approved by the Department; and

20 (5) be qualified to practice in accordance with
21 internationally accepted standards of orthotic and
22 prosthetic care.

23 (b) To qualify for a license to practice pedorthics, a
24 person shall:

25 (1) submit proof of ~~possess~~ a high school diploma or
26 its equivalent;

1 (2) have completed the amount of formal training,
2 including, but not limited to, any hours of classroom
3 education and clinical practice established and approved
4 by the Department;

5 (3) complete a qualified work experience program or
6 internship in pedorthics in accordance with any standards,
7 guidelines, or procedures established and approved by the
8 Department;

9 (4) pass all examinations that are required and
10 approved by the Department; and

11 (5) be qualified to practice in accordance with
12 nationally accepted standards of pedorthic care.

13 (c) The standards and requirements for licensure
14 established by the Department shall be substantially equal to
15 or in excess of standards commonly accepted in the profession
16 of orthotics, prosthetics, or pedorthics. The Department shall
17 adopt rules as necessary to set the standards and requirements.

18 (d) A person may be licensed in more than one discipline.

19 (Source: P.A. 91-590, eff. 1-1-00.)

20 (225 ILCS 84/57)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 57. Limitation on provision of care and services. A
23 licensed orthotist or pedorthist may provide care or services
24 only if the care or services are provided pursuant to an order
25 from a licensed physician, ~~or~~ podiatrist, or advanced practice

1 nurse. A licensed prosthetist may provide care or services only
2 if the care or services are provided pursuant to an order from
3 a licensed physician or advanced practice nurse.

4 (Source: P.A. 91-590, eff. 1-1-00.)

5 (225 ILCS 84/60)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 60. Renewal; restoration; military service; inactive
8 status.

9 (a) The expiration date and renewal period for each license
10 issued under this Act shall be set by rule of the Department.
11 ~~The Board shall establish continuing education requirements~~
12 ~~for the renewal of a license. These requirements shall be based~~
13 ~~on established standards of competence.~~

14 (b) A person who has permitted his or her license to expire
15 or who has had his or her license on inactive status may have
16 his or her license restored by (i) making application to the
17 Department, (ii) filing proof acceptable to the Department of
18 his or her fitness to have his or her license restored
19 including, but not limited to, sworn evidence certifying to
20 active practice in another jurisdiction satisfactory to the
21 Department, and (iii) paying the required restoration fee. If
22 the person has not maintained an active practice in another
23 jurisdiction satisfactory to the Department, the Board shall
24 determine, by an evaluation program established by rule, his or
25 her fitness to resume active status and may require the person

1 to complete a period of evaluated clinical experience and may
2 require successful completion of an examination.

3 (c) A person whose license expired while he or she was (i)
4 in federal service on active duty within the armed forces of
5 the United States or with the State militia called into service
6 or training or (ii) in training or education under the
7 supervision of the United States preliminary to induction into
8 military service may have his or her license renewed or
9 restored without paying a lapsed renewal fee if, within 2 years
10 after termination from the service, training, or education
11 except under conditions other than honorable, he or she
12 furnished the Department with satisfactory evidence that he or
13 she has been so engaged and that his or her service, training,
14 or education has been terminated.

15 (d) A person who notifies the Department in writing on
16 forms prescribed by the Department may elect to place his or
17 her license on inactive status and shall, subject to rules of
18 the Department, be excused from payment of renewal fees until
19 he or she notifies the Department in writing of his or her
20 desire to resume active status.

21 A person requesting restoration from inactive status shall
22 be required to pay the current renewal fee and shall be
23 required to restore his or her license as provided in
24 subsection (b).

25 An orthotist, prosthetist, or pedorthist whose license is
26 on inactive status shall not practice orthotics, prosthetics,

1 or pedorthics in this State.

2 (Source: P.A. 91-590, eff. 1-1-00.)

3 (225 ILCS 84/70)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 70. Endorsement. The Department may, at its
6 discretion, license as either an orthotist, prosthetist, or
7 pedorthist, without examination and on payment of the required
8 fee, an applicant who is an orthotist, prosthetist, or
9 pedorthist who is (i) licensed under the laws of another state,
10 territory, or country, if the requirements for licensure in
11 that state, territory, or country in which the applicant was
12 licensed were, at the date of his or her licensure,
13 substantially equal to the requirements in force in this State
14 on that date or (ii) certified by a national certification
15 organization with educational and testing standards as set
16 forth by rule ~~equal to or more stringent than the licensing~~
17 ~~requirements of this State.~~

18 (Source: P.A. 91-590, eff. 1-1-00.)

19 (225 ILCS 84/77 new)

20 Sec. 77. Returned checks; fines. Any person who delivers a
21 check or other payment to the Department that is returned to
22 the Department unpaid by the financial institution upon which
23 it is drawn shall pay to the Department, in addition to the
24 amount already owed to the Department, a fine of \$50. The

1 fines imposed by this Section are in addition to any other
2 discipline provided under this Act for unlicensed practice or
3 practice on a non-renewed license. The Department shall notify
4 the person that payment of fees and fines shall be paid to the
5 Department by certified check or money order within 30 days of
6 the notification. If the person has failed to submit the
7 necessary remittance within 30 days of the notification, the
8 Department shall automatically terminate the license or deny
9 the application without a hearing. If the person seeks a
10 license after the termination or denial of his or her license,
11 he or she shall apply to the Department for restoration or
12 issuance of the license and pay all fees and fines due to the
13 Department. The Department may establish a fee for the
14 processing of an application for restoration of a license to
15 pay all expenses of processing this application. The Secretary
16 may waive the fines due under this Section in individual cases
17 when the fines would be unreasonable or unnecessarily
18 burdensome.

19 (225 ILCS 84/80)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 80. Roster of licensees and registrants. The
22 Department shall maintain a current roster of the names and
23 addresses of all licensees, registrants, and all persons whose
24 licenses have been suspended, ~~or~~ revoked, or otherwise
25 disciplined ~~within the previous year.~~ This roster shall be

1 available upon written request and payment of the required fee.

2 (Source: P.A. 91-590, eff. 1-1-00.)

3 (225 ILCS 84/85)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 85. Practice by corporations. Nothing in this Act
6 shall restrict licensees from forming professional service
7 corporations under and in accordance with the provisions of the
8 Professional Service Corporation Act.

9 (Source: P.A. 91-590, eff. 1-1-00.)

10 (225 ILCS 84/90)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 90. Grounds for discipline.

13 (a) The Department may refuse to issue or renew a license,
14 or may revoke or suspend a license, or may suspend, place on
15 probation, ~~censure,~~ or reprimand a licensee, or take any other
16 disciplinary or non-disciplinary action as the Department may
17 deem proper, including imposing fines not to exceed \$10,000 for
18 each violation, for one or any combination of the following:

19 (1) Making a material misstatement in furnishing
20 information to the Department or the Board.

21 (2) Violations of or negligent or intentional
22 disregard of this Act or its rules.

23 (3) Conviction of, or entry of a plea of guilty or nolo
24 contendere to, any crime that is a felony under the laws of

1 the United States or any state or territory thereof or that
2 is a misdemeanor of which an essential element is
3 dishonesty, or any crime that is directly related to the
4 practice of the profession. ~~Conviction of any crime that~~
5 ~~under the laws of the United States or of a state or~~
6 ~~territory of the United States is a felony or a~~
7 ~~misdemeanor, an essential element of which is dishonesty,~~
8 ~~or of a crime that is directly related to the practice of~~
9 ~~the profession.~~

10 (4) Making a misrepresentation for the purpose of
11 obtaining a license.

12 (5) A pattern of practice or other behavior that
13 demonstrates incapacity or incompetence to practice under
14 this Act.

15 (6) Gross or repeated negligence under this Act.

16 (7) Aiding or assisting another person in violating a
17 provision of this Act or its rules.

18 (8) Failing to provide information within 60 days in
19 response to a written request made by the Department.

20 (9) Engaging in dishonorable, unethical, or
21 unprofessional conduct or conduct of a character likely to
22 deceive, defraud, or harm the public.

23 (10) Inability to practice with reasonable judgment,
24 skill or safety as a result of habitual or excessive use or
25 addiction to alcohol, narcotics, stimulants or any other
26 chemical agent or drug ~~Habitual intoxication or addiction~~

1 ~~to the use of drugs.~~

2 (11) Discipline by another state or territory of the
3 United States, the federal government, or foreign nation,
4 if at least one of the grounds for the discipline is the
5 same or substantially equivalent to one set forth in this
6 Section.

7 (12) Directly or indirectly giving to or receiving from
8 a person, firm, corporation, partnership, or association a
9 fee, commission, rebate, or other form of compensation for
10 professional services not actually or personally rendered.

11 (13) A finding by the Board that the licensee or
12 registrant, after having his or her license placed on
13 probationary status, has violated the terms of probation.

14 (14) Abandonment of a patient or client.

15 (15) Wilfully making or filing false records or reports
16 in his or her practice including, but not limited to, false
17 records filed with State agencies or departments.

18 (16) Wilfully failing to report an instance of
19 suspected child abuse or neglect as required by the Abused
20 and Neglected Child Reporting Act.

21 (17) Inability to practice the profession with
22 reasonable judgment, skill, or safety as a result of a
23 physical illness, including but not limited to
24 deterioration due to the aging process or loss of motor
25 skill, or a mental illness or disability. ~~Physical illness~~
26 ~~including, but not limited to, deterioration through the~~

1 ~~aging process or loss of motor skill that results in the~~
2 ~~inability to practice the profession with reasonable~~
3 ~~judgement, skill, or safety.~~

4 (18) Solicitation of professional services using false
5 or misleading advertising.

6 (19) Failure to file a return, pay the tax, penalty, or
7 interest shown in a filed return, or pay any final
8 assessment of tax, penalty, or interest as required by any
9 tax Act administered by the Department of Revenue, until
10 such time as the requirements of the tax Act are satisfied
11 in accordance with subsection (g) of Section 15 of the
12 Department of Professional Regulation Law of the Civil
13 Administrative Code of Illinois (20 ILCS 2105/2105-15).

14 (b) The determination by a circuit court that a licensee or
15 registrant is subject to involuntary admission or judicial
16 admission, as provided in the Mental Health and Developmental
17 Disabilities Code, operates as an automatic suspension. The
18 suspension will end only upon (i) a finding by a court that the
19 patient is no longer subject to involuntary admission or
20 judicial admission and the issuance of a court order so finding
21 and discharging the patient and (ii) the recommendation of the
22 Board to the Director that the licensee or registrant be
23 allowed to resume his or her practice.

24 (c) In enforcing this Section, the Department or Board upon
25 a showing of a possible violation may compel an individual
26 licensed to practice under this Act, or who has applied for

1 licensure under this Act, to submit to a mental or physical
2 examination, or both, as required by and at the expense of the
3 Department. The Department or Board may order the examining
4 physician to present testimony concerning the mental or
5 physical examination of the licensee or applicant. No
6 information shall be excluded by reason of any common law or
7 statutory privilege relating to communications between the
8 licensee or applicant and the examining physician. The
9 examining physicians shall be specifically designated by the
10 Board or Department. The individual to be examined may have, at
11 his or her own expense, another physician of his or her choice
12 present during all aspects of this examination. The examination
13 shall be performed by a physician licensed to practice medicine
14 in all its branches. Failure of an individual to submit to a
15 mental or physical examination, when directed, shall be grounds
16 for suspension of his or her license until the individual
17 submits to the examination if the Department finds, after
18 notice and hearing, that the refusal to submit to the
19 examination was without reasonable cause.

20 If the Department or Board finds an individual unable to
21 practice because of the reasons set forth in this Section, the
22 Department or Board may require that individual to submit to
23 care, counseling, or treatment by physicians approved or
24 designated by the Department or Board, as a condition, term, or
25 restriction for continued, reinstated, or renewed licensure to
26 practice; or, in lieu of care, counseling, or treatment, the

1 Department may file, or the Board may recommend to the
2 Department to file, a complaint to immediately suspend, revoke,
3 or otherwise discipline the license of the individual. An
4 individual whose license was granted, continued, reinstated,
5 renewed, disciplined or supervised subject to such terms,
6 conditions, or restrictions, and who fails to comply with such
7 terms, conditions, or restrictions, shall be referred to the
8 Director for a determination as to whether the individual shall
9 have his or her license suspended immediately, pending a
10 hearing by the Department.

11 In instances in which the Director immediately suspends a
12 person's license under this Section, a hearing on that person's
13 license must be convened by the Department within 30 ~~15~~ days
14 after the suspension and completed without appreciable delay.
15 The Department and Board shall have the authority to review the
16 subject individual's record of treatment and counseling
17 regarding the impairment to the extent permitted by applicable
18 federal statutes and regulations safeguarding the
19 confidentiality of medical records.

20 An individual licensed under this Act and affected under
21 this Section shall be afforded an opportunity to demonstrate to
22 the Department or Board that he or she can resume practice in
23 compliance with acceptable and prevailing standards under the
24 provisions of his or her license.

25 (d) The Department shall deny a license or renewal
26 authorized by this Act to a person who has defaulted on an

1 educational loan or scholarship provided or guaranteed by the
2 Illinois Student Assistance Commission or any governmental
3 agency of this State in accordance with subdivision (a)(5) of
4 Section 15 of the Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois (20 ILCS
6 2105/2105-15).

7 (e) In cases where the Department of Healthcare and Family
8 Services (formerly the Department of Public Aid) has previously
9 determined that a licensee or a potential licensee is more than
10 30 days delinquent in the payment of child support and has
11 subsequently certified the delinquency to the Department, the
12 Department may refuse to issue or renew or may revoke or
13 suspend that person's license or may take other disciplinary
14 action against that person based solely upon the certification
15 of delinquency made by the Department of Healthcare and Family
16 Services in accordance with subdivision (a)(5) of Section 15 of
17 the Department of Professional Regulation Law of the Civil
18 Administrative Code of Illinois (20 ILCS 2105/2105-15).

19 (Source: P.A. 91-590, eff. 1-1-00.)

20 (225 ILCS 84/100)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 100. Investigations; notice and hearing. The
23 Department may investigate the actions of an applicant or of a
24 person or persons holding or claiming to hold a license. Before
25 refusing to issue or renew a license, the Department shall, at

1 least 30 ~~10~~ days prior to the date set for the hearing, notify
2 in writing the applicant for or holder of a license of the
3 nature of the charges and that a hearing will be held on the
4 date designated. The written notice may be served by personal
5 delivery or by certified or registered mail to the respondent
6 at the address of record with ~~disclosed on his or her last~~
7 ~~notification to~~ the Department. At the time and place fixed in
8 the notice, the Board shall proceed to hear the charges. The
9 parties or their counsel shall be afforded ample opportunity to
10 present statements, testimony, evidence, and argument that may
11 be pertinent to the charges or to the defense to the charges.
12 The Board may continue the hearing from time to time.

13 (Source: P.A. 91-590, eff. 1-1-00.)

14 (225 ILCS 84/103 new)

15 Sec. 103. Subpoenas; depositions; oaths. The Department
16 has the power to subpoena documents, books, records, or other
17 materials and to bring before it any person to take testimony
18 either orally or by deposition, or both, with the same fees and
19 mileage and in the same manner as prescribed in civil cases in
20 the courts of this State.

21 The Secretary, the designated hearing officer, and every
22 member of the Board has the power to administer oaths to
23 witnesses at any hearing that the Department is authorized to
24 conduct, and any other oaths authorized in any Act administered
25 by the Department.

1 (225 ILCS 84/105)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 105. Record of proceedings; transcript ~~Transcript.~~

4 The Department, at its own expense, shall preserve a record of
5 all proceedings at the formal hearing of any ~~a~~ case ~~involving~~
6 ~~the refusal to issue or renew a license~~. The notice of hearing,
7 complaint, and all other documents in the nature of pleadings
8 and written motions filed in the proceedings, the transcripts
9 ~~transcript~~ of testimony, the report of the Board, and orders of
10 the Department shall be in the record of the proceeding.

11 (Source: P.A. 91-590, eff. 1-1-00.)

12 (225 ILCS 84/107 new)

13 Sec. 107. Unlicensed practice; civil penalty.

14 (a) Any person who practices, offers to practice, attempts
15 to practice, or holds himself or herself out to practice
16 orthotics, prosthetics, or pedorthics, or performs the
17 functions and duties of an orthotist, prosthetist, or
18 pedorthist without being licensed under this Act shall, in
19 addition to any other penalty provided by law, pay a civil
20 penalty to the Department in an amount not to exceed \$10,000
21 for each offense as determined by the Department. The civil
22 penalty shall be assessed by the Department after a hearing is
23 held in accordance with the provisions set forth in this Act
24 regarding the provision of a hearing for the discipline of a

1 licensee.

2 (b) The Department has the authority and power to
3 investigate any and all unlicensed activity.

4 (c) The civil penalty shall be paid within 60 days after
5 the effective date of the order imposing the civil penalty. The
6 order shall constitute a judgment and may be filed and
7 execution had thereon in the same manner as any judgment from
8 any court of record.

9 (225 ILCS 84/130)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 130. Appointment of hearing officer. The Director
12 shall have the authority to appoint an attorney licensed to
13 practice law in the State of Illinois to serve as a hearing
14 officer in an action for refusal to issue or renew a license or
15 to discipline a licensee. The hearing officer shall have full
16 authority to conduct the hearing. The hearing officer shall
17 report his or her findings and recommendations to the Board and
18 the Director. The Board shall have 60 days from receipt of the
19 report to review the report of the hearing officer and present
20 its findings of fact, conclusions of law, and recommendations
21 to the Director. If the Board fails to present its report
22 within the 60-day period, the Director shall issue an order
23 based on the report of the hearing officer. If the Director
24 determines that the Board's report is contrary to the manifest
25 weight of the evidence, he or she may issue an order in

1 contravention of the Board's report. Nothing in this Section
2 shall prohibit a Board member from attending an informal
3 conference and such participation shall not be grounds for
4 recusal from any other proceeding.

5 (Source: P.A. 91-590, eff. 1-1-00.)

6 (225 ILCS 84/150)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 150. Temporary suspension of a license. The Director
9 may temporarily suspend the license of an orthotist,
10 prosthetist, or pedorthist without a hearing simultaneously
11 with the institution of proceedings for a hearing provided for
12 in Section 95 of this Act if the Director finds that evidence
13 in his or her possession indicates that a licensee's
14 continuation in practice would constitute an imminent danger to
15 the public. If the Director temporarily suspends a license
16 without a hearing, a hearing by the Board must be held within
17 30 days after the suspension and completed without appreciable
18 delay.

19 (Source: P.A. 91-590, eff. 1-1-00.)

20 (225 ILCS 84/160)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 160. Certifications of record; costs. The Department
23 shall not be required to certify any record to the court or
24 file any answer in court or otherwise appear in any court in a

1 judicial review proceeding unless there is filed in the court
2 with the complaint a receipt from the Department acknowledging
3 payment of the costs of furnishing and certifying the record,
4 in an amount which shall be determined by the Department
5 ~~computed at the rate of 20 cents per page of the record.~~
6 Failure on the part of a plaintiff to file a receipt in court
7 shall be grounds for dismissal of the action.

8 (Source: P.A. 91-590, eff. 1-1-00.)

9 (225 ILCS 84/55 rep.)

10 (225 ILCS 84/56 rep.)

11 225 ILCS 84/65 rep.

12 Section 10. The Orthotics, Prosthetics, and Pedorthics
13 Practice Act is amended by repealing Sections 55, 56, and 65.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.

1	INDEX
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3	225 ILCS 84/10
4	225 ILCS 84/15
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6	225 ILCS 84/25
7	225 ILCS 84/40
8	225 ILCS 84/57
9	225 ILCS 84/60
10	225 ILCS 84/70
11	225 ILCS 84/77 new
12	225 ILCS 84/80
13	225 ILCS 84/85
14	225 ILCS 84/90
15	225 ILCS 84/100
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20	225 ILCS 84/150
21	225 ILCS 84/160
22	225 ILCS 84/55 rep.
23	225 ILCS 84/56 rep.
24	225 ILCS 84/65 rep.